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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,286	03/23/2004	Wen-Chen Liou	MR929-972	1852
4586	7590	10/05/2005	EXAMINER	
ROSENBERG, KLEIN & LEE 3458 ELLICOTT CENTER DRIVE-SUITE 101 ELLICOTT CITY, MD 21043			ELKINS, GARY E	
			ART UNIT	PAPER NUMBER
			3727	

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/806,286

<b>Applicant(s)</b>
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LIU, WEN-CHEN

**Examiner**

**Gary E. Elkins**

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: on page 3, lines 5 and 9, the numeral "21" appears to be incorrect. The ledge as set forth in line 2 is "25" rather than "21". The numeral "21" is defined previously as the lip ring.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 7 and 8, "for engagement with a surface" is unclear, i.e. a surface of what?

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by either Benson (fig. 1 emb) or Varano (fig. 18 emb). Each of Benson and Varano discloses a container including a base disk (2; 16), a ledge formed by the upturned edge of the outer wall of the container which engages with a bottom face of the disk, a side wall formed by the outer wall adjacent the disk, a knurl formed at the bottommost ring of the outer wall and between the ledge

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and the side wall, and a lip ring formed by the curl at the top of the outer wall and an annular space (above the knurl in Varano and adjacent the folded portion bend of the base disk in Benson). With respect to claim 3, note is made that the edge or ledge at the end of the upturned outer wall which engages the base disk in each reference extends both inwardly and outwardly depending upon when side one starts from.

5. Claims 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Sidebotham. Sidebotham discloses a container including a base disc 14 having a knurl formed by the bend in the material, ledge 13, a side wall 12, 11, 16, and a lip ring formed by the upper curl. With respect to claim 6, note is made that an annular space is formed between the outer wall at 12 where the wall extends upwardly at an angle and the base disk.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thiebaut (fig. 2 emb) in view of Shuey. Thiebaut discloses a base disk 6, a ledge formed by the upper edge of the section 5, knurl 3 and side wall 7. A space is formed between the horizontal portion of the base disk and the sidewall below the horizontal portion insofar as claimed. Thiebaut does not disclose a lip ring. Shuey teaches that it is known to make a container with an upper curl or lip ring (11). It would have been obvious to make the container of Thiebaut with a curl as taught by

Shuey to strengthen the upper lip of the container. Upper rims are well known on cylindrical containers.

8. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roach in view of Wilcox. Roach discloses a base disk 12 having a knurl 33, a peripheral wall 13 having a ledge formed by the lower edge of the peripheral wall and a side wall formed by the lower portion of the peripheral wall. The base disk includes a bend 34 insofar as claimed. With respect to claim 6, note is made that an annular space is formed between the base disk, e.g. between the area designated as 34' in fig. 2 and the lower portion of the peripheral wall, i.e. the lower corner of the container is a space insofar as claimed. Roach does not disclose a lip ring. Wilcox teaches that it is known to form the top of a container with a lip ring (22-24, 13) to facilitate engagement of a seal on a closure. It would have been obvious to provide a lip ring for a closure in Roach as taught by Wilcox to provide a tighter and stronger seal than the closure construction in Roach.

### *Conclusion*

The remaining cited prior art is illustrative of the general state of the art.

In order to reduce pendency and avoid potential delays, Technology Center 3700 is encouraging FAXing of responses in Office Actions to (571)273-8300. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by Applicants who authorize charges to a PTO deposit account. Please identify the Examiner and art unit at the top of your cover sheet.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. Also, copies of an office action or other file information may be obtained from the Private PAIR system. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions regarding access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication or earlier communication from the Examiner should be directed to Gary Elkins at telephone number (571)272-4537. The Examiner can normally be reached Monday through Thursday.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Mr. Nathan Newhouse can be reached at (571)272-4544.

  
Gary E. Elkins  
Primary Examiner  
Art Unit 3727

gee  
01 October 2005